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FAA-01-11133-2083

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Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh St, SW  
Washington, DC 20590-0001

**Re: Docket No. FAA-2001-11133; Notice No. 02-03 Certification of Aircraft  
and Airmen for the Operation of Light Sport Aircraft; Proposed Rule**

The Aircraft Owners and Pilots Association (AOPA), representing the interests of over 380,000 pilots nationwide, submits the following comments on the Federal Aviation Administration (FAA) Light Sport Aircraft and Airmen notice of proposed rulemaking (NPRM). AOPA supports the NPRM as an important initiative to revitalize the entry point for general aviation pilots and aircraft owners. We believe this action will have a meaningful, positive effect on the cost of learning to fly--fostering new entrants and attracting lapsed pilots who stepped away from flying due to aircraft rental and operational costs as well as the expense and ability to maintain current medical certification.

Establishing a lower cost regulatory alternative to the current Private Pilot Certificate will generate public interest from people who want to fly basic aircraft for sport and recreational purposes. Previous efforts to address this entry-level need have not been successful because they did not adequately accommodate the emerging recreational flying community, provide a substantially favorable economical alternative to the Private Pilot Certificate, or address alternatives to the Third Class medical for medical certification. AOPA believes that the Sport Pilot rule and our suggested revisions to the Recreational Pilot Certificate better meet the needs of the sport and recreational flying community and provide a safe and attractive entry-level certification for pilots who may ultimately choose to pursue advanced ratings.

AOPA's comments address the effects that the proposal will have on the aviation industry and include recommendations to further the FAA's goals of safe and economical aircraft and pilots, along with the opportunity to revitalize general aviation. Our comments address the three major areas, as outlined, in the NPRM: certification of pilots, certification of aircraft and certification of repairmen, along with the Recreational Pilot Certificate. Based on AOPA's historical interest in representing primarily operators and owners of traditional three-axis control

aircraft, we are not specifically addressing the proposal's effect on gliders, balloons, powered parachutes, weight shift control aircraft and gyroplanes.

In summary, AOPA recommends the following for the FAA rulemaking action:

- The FAA should accelerate issuing and implementing a final rule on the airmen portion of the Sport Pilot rule and the use of a current driver's license to meet the medical requirement. This should include the use of existing certificated aircraft that meet the Light Sport Aircraft definition.
- The FAA should modify the requirements for the Recreational Pilot Certificate to permit the use of a current driver's license to meet the medical requirements, as is proposed for the Sport Pilot Certificate.
- The FAA should take immediate action to issue the final rule on Light Sport Aircraft Certification and Repairman, however, implementation should be deferred until the consensus standards are developed and adopted.
- The final rule should adopt the proposed definition of Light Sport Aircraft: single engine, non-turbine, fixed gear airplane, certified to carry a maximum of two persons, a maximum of 1,232 pounds take off weight, a 39 knot stall speed, and a 115 knot maximum operating speed.
- A separate category for reporting accidents and accident statistics should be implemented for Light Sport Aircraft.
- The final rule should include a requirement that the Light Sport Aircraft have external marking using the words "Light Sport Aircraft," similar to that used for identifying experimental aircraft along with a placard in the aircraft directly in full view of the passenger.

## **Certification of Sport Pilots**

### **Accelerated Pilot Certification Implementation**

AOPA strongly believes that implementation of the Sport Pilot License rule should be accelerated, while the more complex and longer-term effort of implementing the Light Sport Aircraft certification portion of the rule is under development. Doing so provides near term and long-term benefits for the aviation community. It permits the FAA to immediately implement the new Sport Pilot Licensing requirements - allowing pilots to take advantage of the new rule in at least seven existing standard category aircraft that meet the definition of a Light Sport Aircraft. It will also provide valuable operational data that can serve as a foundation for the complicated effort to develop consensus on industry

standards for aircraft certification and the associated continued airworthiness rules and requirements.

### **Pilot Certification Standards**

The FAA intends to issue the Sport Pilot Certificate and Flight Instructor Certificate with a Sport Pilot rating without any category and class ratings. Instead, applicable aircraft category, class, and make and model privileges would be established through logbook endorsements. This is due in part to the unique nature of Light Sport Aircraft design features and the fact that the marketplace has yet to develop generally accepted design standards. It is important that pilots be familiar with the operating limitations and be proficient in the unique flight characteristics of the make and model of the aircraft flown.

AOPA defers to the Agency's expertise if the FAA deems it necessary and appropriate to require the make and model logbook endorsement for Light Sport Aircraft, because the design variables of these unique aircraft have yet to be fully defined. However, AOPA strongly opposes expanding this concept to standard category aircraft, with type and production certificates flown by general aviation pilots.

The FAA also proposes to revise the Recreational Pilot Certificate privileges to align them with the proposed privileges for Sport Pilot, primarily to permit operations in Class B, C, and D airspace. A logbook endorsement and appropriate training would be required. Finally, the FAA intends to address Flight Instructor Certification by adding a new Sport Pilot rating.

AOPA is in general agreement with the proposed pilot certification standards and related operating privileges and limitations, as outlined in the NPRM. VFR daytime only flight with appropriate training and logbook endorsement to fly in Class B, C, and D airspace is reasonable for the Sport Pilot License and the Recreational Pilot License. Because of similarities to the Recreational Pilot Certificate, AOPA encourages the FAA to standardize the licensing requirements by permitting the use of a current driver's license to meet the medical requirement for both certificates. This is addressed in more detail below.

AOPA also supports the standards proposed for pilots who already hold at least a Private Pilot Certificate and want to operate a Light Sport Aircraft, including use of a valid U.S. driver's license to meet the medical standard.

### **Medical Requirement**

AOPA supports the FAA proposal requiring that individuals who desire to obtain a Light Sport Aircraft Certificate or exercise Sport Pilot privileges, must hold a U.S. driver's license to meet the minimum medical standard.

AOPA's support and favorable comments are based on this medical standard. If the FAA publishes a rule with more restrictive medical requirements, AOPA

would no longer support the Sport Pilot License. We contend that it would also invalidate the FAA's intent as stated in the rule's preamble, as well as comments filed by many in the general aviation community.

As the FAA states in the NPRM, a valid U.S. driver's license establishes an acceptable minimum medical standard because it validates evidence of basic health. While the licensing processes vary from state to state, authorities typically require applicants to attest to a basic level of health and minimum vision standard. If a Sport or Recreational pilot is precluded from holding a driver's license, then he/she should not be eligible to operate a Light Sport Aircraft (unless the pilot obtained a third class medical certificate).

Additionally, and just as important, the FAA clearly states in the NPRM that under the rule, if a pilot knows or has any reason to know of any medical condition that would affect his or her ability to operate a Light Sport Aircraft, then the pilot would have to refrain from acting as pilot in command. AOPA believes that this is a reasonable standard for sport and recreational flying that is currently used for all pilots. This is evidenced by the fact that the accident database indicates that a pilot's medical condition is rarely a causal factor in general aviation accidents.

### **Recreational Pilot Privileges and Medical Standards**

AOPA supports the FAA proposal to revise the Recreational Pilot Certificate privileges to align them with the proposed privileges for Sport Pilots, primarily to permit operations in Class B, C, and D airspace. A logbook endorsement and appropriate training would be required.

In addition to airspace privileges, parallels can be drawn to the current Recreational Pilot License, in that the same driver's license medical standard should be applied to this existing license. AOPA recommends that the FAA revise the Recreational Pilot License medical requirement to align it with the proposed medical standard for Sport Pilots, allowing these pilots to meet the medical requirement through carriage of a valid U.S. driver's license. While the FAA did not propose this, AOPA contends that the same reasoning and justification applies for the Recreational Pilot, who is subject to many of the same limitations as the Sport Pilot, for example limits on carrying passengers, fixed gear, night flight, and visibility requirements. This action would be an excellent opportunity for pilots to operate within appropriate limits, while benefiting from the FAA's approach for medical safety oversight.

The FAA, in the notice published in the *Federal Register*, summarizes the medical requirement by stating,

*"The FAA believes, therefore, that medical conditions are not a significant cause of accidents in aircraft that are used for sport and recreation purposes."*

It is only logical using this justification to extend the drivers license requirements to both Sport and Recreational Pilot Certificates.

## **Private Pilot Medical Standards**

Because medical incapacitation is not a significant casual factor of general aviation accidents, AOPA contends that the FAA should use the experience of the Sport Pilot, and pending adoption of AOPA's recommendation for the Recreational Pilot medical standards, to evaluate changes to the Private Pilot medical certification standard. AOPA recommends that within three years the FAA review the data, with the goal of establishing use of a U.S. Driver's license to meet the FAA's medical standard for the Private Pilot Certificate in lieu of a Third Class Medical certificate.

## **Certification of Light Sport Aircraft**

By definition Light Sport Aircraft are low performance, light aircraft. They are simple to operate single engine, fixed gear airplanes. They will be certified to carry a maximum of two persons, a maximum of 1,232 pounds take off weight, a 39 knot stall speed, and a 115 knot maximum operating speed.

The proposed Light Sport Aircraft NPRM would allow Light Sport Pilots to operate Light Sport Aircraft certified under the Standard Airworthiness Certificate (if it meets the basic parameters outlined in the NPRM) or Under a Special Airworthiness Certificate Category, each with yet-to-be established operating parameters and restrictions based on its level of certitude.

AOPA believes that the current weight and speed specifications are an appropriate starting point and a necessary baseline for a market that has yet to be fully developed. It is AOPA's belief that the emerging marketplace will determine the appropriate weight and aircraft speed requirements in the future. After a reasonable length of time and the benefit of actual operational data, the FAA and industry will have gained experience and insight into the Light Sport Aircraft market. At some future point, the FAA could review the weight and speed restrictions to determine if they are appropriate.

The NPRM establishes that the industry and manufacturers will develop the airworthiness and certification consensus standards. The standards are a critical component of the rule. AOPA believes that industry must be given the opportunity to publicly comment on the implementation of the Light Sport Aircraft consensus standards after these are developed by ASTM. This includes a full set of design, testing, and continued airworthiness standards. Without a complete understanding of the full scope and nature of Light Sport Aircraft consensus design, certification, and continued airworthiness standards, a reasonable and thorough evaluation of the Light Sport Aircraft initiative is not possible. That is why we are recommending accelerated implementation of the pilot portion while aircraft certification standards are being developed. Objective comments regarding the utility and impact of the Light Sport Aircraft portion of

this proposal depend on a complete evaluation of final industry consensus design, certification, and continued airworthiness standards.

### **Continuing Airworthiness**

AOPA is concerned about manufacturer accountability and would like the FAA to more clearly define its role in oversight. We are interested in learning how the FAA intends to meet a higher level of safety without third party compliance on ongoing airworthiness concerns.

There are many unanswered questions related to manufacturer documentation and compliance. AOPA is concerned about manufacturer accountability for statements of compliance provided with each aircraft. In general the FAA must ensure that design and performance criteria are appropriate, that quality assurance is adequate and that production acceptance test specifications are met and must provide a mechanism for operational safety monitoring and oversight.

Further, for appropriate safety oversight by the FAA, no single entity should be responsible for more than 50 percent of the certification, maintenance, and training requirements of the Light Sport Aircraft Certificate.

### **Certification of Repairmen**

FAA also intends to add a new Repairman Certificate, which would be issued with a maintenance or inspection rating. The Inspection rating would allow the holder to perform an annual condition inspection on an owned aircraft that has an experimental, Light Sport Airworthiness Certificate.

A Maintenance rating would allow the holder to perform all of the inspections required for an aircraft with an experimental Light Sport Airworthiness Certificate, and the inspection and other maintenance required on aircraft with a special Light Sport Airworthiness Certificate. This Maintenance rating would allow a repairman to work on category specific aircraft that he/she may not own. Because the yet-to-be developed consensus standards will determine the actual application of this section of the proposed rule, AOPA does not have substantial comments on this standard at this time. As stated in the preceding section, AOPA has concerns regarding the appropriate safety oversight by the FAA that must be addressed prior to implementing this section of the rule.

### **Aviation Safety**

Because there has not been a formal tracking mechanism for the activities covered under the NPRM, AOPA believes it is essential that the development of the new category of Sport Pilot License and the associated Light Sport Aircraft include a mechanism that clearly separates tracking and reporting of accident

statistics. The general aviation community, in partnership with the FAA, has worked diligently to reduce accident rates, and it is unclear how including the new Light Sport Pilot and Aircraft accident data would affect traditional general aviation statistics. Because the new Light Sport category is administered under a different standard, it is appropriate to clearly define the category as separate from the general aviation category.

## **Aircraft Marking**

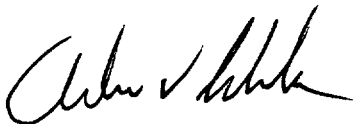
Light Sport Aircraft are not designed, built or maintained to the standards equivalent to those required for normal or primary category aircraft and, unless an aircraft is clearly marked accordingly, a passenger unfamiliar with aviation will not be aware of this important distinction. In the interest of full disclosure, the aircraft should be clearly marked as a Light Sport Aircraft, similar to that required for experimental aircraft, along with a placard placed in clear view of the passenger seat.

Displaying the Light Sport Aircraft marking on a conspicuous location on the outside of the aircraft also ensures that pilots, air traffic controllers, FAA officials, media and the general public are adequately informed of the aircraft category. This aircraft marking requirement should not apply to standard category aircraft that meet the weight limits of the Light Sport Aircraft definition that are flown by Sport Pilots. Under the proposed rule, these aircraft are held to the standard category safety certification oversight and regulation.

## **Conclusion**

AOPA believes that the adoption of our recommendations outlined in the summary section of these comments, supplemented by the specifics addressed in the sections that follow, is vital to the FAA's development of an effective rule for Sport and Recreational Pilot Certificates and the Light Sport Aircraft and Mechanics.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew V. Cebula', with a stylized, cursive script.

Andrew V. Cebula  
Senior Vice President  
Government and Technical Affairs